

Wetlands Bureau Decision Report

Decisions Taken
05/04/2009 to 05/10/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-00344 NH DEPT OF TRANSPORTATION
HAMPTON Tidal Buffer Zone

Requested Action:

Replace 30 ft. of a deteriorated 18 in. CMP culvert with an 18 in. HDPE and stabilize outlet impacting a total of 108 sq. ft. previously disturbed upland tidal buffer zone, bank and estuarine wetlands (8 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. intervened - no comment

APPROVE PERMIT:

Replace 30 ft. of a deteriorated 18 in. CMP culvert with an 18 in. HDPE and stabilize outlet impacting a total of 108 sq. ft. previously disturbed upland tidal buffer zone, bank and estuarine wetlands (8 sq. ft. temporary). NHDOT project #M612-A.

With Conditions:

1. All work shall be in accordance with undated plans by NHDOT Maintenance District 6 received by the Department on February 25, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within the tidal buffer zone and wetland areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rules Env-Wt 303.02(a) and (b), alteration of tidal wetlands and areas within in the Tidal Buffer Zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. Information from the NH fish and Game Dept. indicates the project will not have any impact on species of concern if limited to the existing footprint.
6. A review of the project relative to impaired waters finds most of the work is temporary, will have no additional loading or change in use and that this project will stabilize eroding banks.
7. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2007-02707 HARD ROCK DEVELOPMENT LLC
RAYMOND Unnamed Wetland

Requested Action:

Dredge and fill 9,140 sq. ft. (including 6,132 sq. ft. of previously impacted wetlands and 3,008 sq. ft. of new impact area) in palustrine forested wetlands to upgrade an existing roadway to access a commercial/industrial site by installing a 6 ft. wide x 4 ft. high x 48 ft. long concrete box culvert with stone rip-rap scour protection.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission has reviewed the project and "agrees with the application."

Inspection Date: 04/17/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill 9,140 sq. ft. (including 6,132 sq. ft. of previously impacted wetlands and 3,008 sq. ft. of new impact area) in palustrine forested wetlands to upgrade an existing roadway to access a commercial/industrial site by installing a 6 ft. wide x 4 ft. high x 48 ft. long concrete box culvert with stone rip-rap scour protection.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc., Inc. dated May 17, 2007, as received by DES on November 16, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 17, 2008. Field inspection determined the proposed roadway upgrade is required for safe access/egress at this site by large commercial and construction vehicles.
6. The 6 ft. x 4 ft. box culvert proposed will provide "critter crawl space" under the roadway.
7. A vernal pool survey conducted for #2007-00550 precludes the need for another one specifically for this application.

2008-01446

WHITEFIELD, TOWN OF

WHITEFIELD Tributary To Johns River / Airport Marsh

Requested Action:

Dredge and fill 3258 sq. ft. of wetlands and associated perennial stream (includes 2186 sq. ft. of temporary impacts) to replace an existing 13 ft. wide x 8 ft. rise x 40 ft. run closed bottom metal arch culvert with a 20 ft. wide x 7 ft. rise (including "pedestal") x 37 ft. run spanning pre-cast concrete arch bridge and associated wetlands impacts for upgrades to the roadway and side slopes.

APPROVE PERMIT:

Dredge and fill 3258 sq. ft. of wetlands and associated perennial stream (includes 2186 sq. ft. of temporary impacts) to replace an existing 13 ft. wide x 8 ft. rise x 40 ft. run closed bottom metal arch culvert with a 20 ft. wide x 7 ft. rise (including "pedestal") x 37 ft. run spanning pre-cast concrete arch bridge and associated wetlands impacts for upgrades to the roadway and side slopes.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, LLC and CLD Consulting Engineers, Inc., titled "Existing Conditions Plan" and "Proposed Wetlands Impact Plan" dated March 2008, as received by DES on July 28, 2008 and plans by CLD Consulting Engineers, Inc., dated November 2008, as received by DES on December 10, 2008 and as revised through March 2009, as received by DES on April 28, 2009.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the New Hampshire Fish and Game Department.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Temporary bank and wetlands restoration planting areas shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
8. A qualified environmental professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Work shall be done during low flow.
11. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
12. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed bridge structure provides a larger hydrological opening than currently exists.
6. The applicant has obtained permission from the affected landowners for the proposed work.
7. The NH Fish and Game Department controls the adjacent dam and has granted the applicant permission to conduct the attached bridge/culvert replacement.
8. DES received comments from the NH Fish and Game Department, Nongame and Endangered Species Program that they do not expect any impacts to identified wildlife species near the project area.

2009-00362 DRACO HOMES INC, GERALD LUSSIER
PELHAM Unnamed Wetland

Requested Action:

Dredge and fill 4,915 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing to access an 8-lot single-family residential subdivision on an 8.1 acre parcel of land.

Conservation Commission/Staff Comments:

The Pelham Conservation Commission reviewed the application and submitted a report with a positive recommendation for the project.

APPROVE PERMIT:

Dredge and fill 4,915 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing to access an 8-lot single-family residential subdivision on an 8.1 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Polaris-Hancock Engineering dated September 18, 2008 (last revised 2/06/09), as received by DES on March 02, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. All activities on lot nos. 7 & 8 shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

11. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00508 NH DEPT OF TRANSPORTATION
CONWAY Saco River

Requested Action:

Stabilize a failing embankment (approximately 50 ft. x 100 ft.) by constructing a temporary road and placing class D and C stone at the toe of slope, placing geofabric, loaming, seeding and mulching and replace an existing 15" CMP culvert with a 24" corrugated flexible plastic culvert impacting 9,160 sq. ft. of bank (3,800 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Rivers Comm. - no comment

APPROVE PERMIT:

Stabilize a failing embankment (approximately 50 ft. x 100 ft.) by constructing a temporary road and placing class D and C stone at the toe of slope, placing geofabric, loaming, seeding and mulching and replace an existing 15" CMP culvert with a 24" corrugated flexible plastic culvert impacting 9,160 sq. ft. of bank (3,800 sq. ft. temporary). NHDOT project M301-3.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated 3/6/09 as received by the Department on March 25, 2009.

2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Construction equipment shall not be located within surface waters.

5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

9. Proper headwalls shall be constructed within seven days of culvert installation.

10. Work shall be done during low flow.

11. Temporary road shall be returned to original contours and replanted with similar vegetative species and type.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau found that the proposed work is not expected to impact a known species or community in the area.
6. The same location was the subject of an emergency authorization issued by the Department on Dec. 11, 2008 to stabilize a 30 ft. wide embankment (file #2008-02685) and apparently the size of the problem became larger than expected.
7. The Wetlands Bureau has notified the Local River Advisory Committee and the DES Rivers Coordinator and to date has not received any concerns.
8. On April 8, 2009 the DES received copy of an April 1, 2009 Inter-Department memo to the NHDOT from the NH Division of Historical Resources noting concerns and recommending an archaeological survey prior to any further work.
9. The US Army Corps of Eng. was also copied on the above memo.

2009-00528 HALL REVOC TRUST, BRADFORD
GILFORD Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 seasonal pier to be connected to an existing 6 ft x 40 ft seasonal pier by a 6 ft x 12 ft walkway in a "U" configuration, and retain a seasonal boatlift and 2 seasonal personal watercraft lifts on an average of 207 ft of frontage on Mark Island, on Lake Winnepesaukee.

APPROVE PERMIT:

Install a 6 ft x 40 seasonal pier to be connected to an existing 6 ft x 40 ft seasonal pier by a 6 ft x 12 ft walkway in a "U" configuration, and retain a seasonal boatlift and 2 seasonal personal watercraft lifts on an average of 207 ft of frontage on Mark Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 19, 2009, as received by DES on March 26, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All portion of the the concrete pads poured or placed for the purpose of anchoring the seasonal piers shall be located landward of the normal highwater line.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a seasonal pier providing 3 slips.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 208 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2008-01528 NH DEPT OF TRANSPORTATION
DOVER Unnamed Wetland

Requested Action:

Realign Old Littleworth Road and provide drainage improvements including replacement of a 450 mm and a 600 mm culvert with 600 mm RCP's, protect outlets and construct a treatment swale impacting 2,186 sq. ft. of palustrine wetlands.

APPROVE PERMIT:

Realign Old Littleworth Road and provide drainage improvements including replacement of a 450 mm and a 600 mm culvert with 600 mm RCP's, protect outlets and construct a treatment swale impacting 2,186 sq. ft. of palustrine wetlands. NHDOT project #13042.

With Conditions:

1. All work shall be in accordance with full size plan sheet 6 of 7 by NHDOT Bureau of Highway Design dated 2/20/08 as received by the Department on May 1, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Any future work proposed in this area, or to the east, shall not include catch basins without detailed coordination with NH Fish and Game Dept.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Heritage Bureau memo attached to the application indicated the project needed to be coordinated with the NH Fish and Game Dept. (NH F&G) regarding a species of concern.
6. The DES found that the NH F&G was concerned with the culvert types and sizes along with the location of catch basins close to the intersection of Old Littleworth Road.
7. The DES requested plans clearly showing the roadway details near Old Littleworth Road which were received on May 1, 2009.
8. The NH F&G concerns were alleviated with the addition of a permit condition that any future work proposed in this area, or to the east, shall not include catch basins without detailed coordination with NH Fish and Game Dept.
9. The NH F&G indicated no concerns with the limited impacts to shrub scrub wetland that is not directly connected to the known locations of a state listed species and therefore the DES determined this is not a major impact project per rule Env-Wt 303.02(k).

2009-00342 LORD, EDWIN & ANJA
NEW CASTLE Upland Tidal Buffer

Requested Action:

Excavate, regrade or otherwise alter terrain and perform construction activities in 825 sq. ft. (495 s.f. permanent & 330 s.f. temporary impacts) within the previously developed upland tidal buffer zone for work associated the reconstruction of a deteriorated seawall; the reconstruction of a storage building with appurtenant parking and site drainage.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission intervened on this application, but no follow up report or comments were received.

APPROVE PERMIT:

Excavate, regrade or otherwise alter terrain and perform construction activities in 825 sq. ft. (495 s.f. permanent & 330 s.f. temporary impacts) within the previously developed upland tidal buffer zone for work associated the reconstruction of a deteriorated seawall; the reconstruction of a storage building with appurtenant parking and site drainage.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated October 2008 (last revised 5/6/09), as received by DES on May 07, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00350 INDIAN CAVE ASSOCIATION
SUNAPEE Lake Sunapee

Requested Action:

Replace an three existing 6 ft x 84 ft 9 in seasonal docks with ten 2 ft x 16 ft fingers each, connected to concrete access ways by an 4 ft x 16 ft seasonal walkways providing a total of 60 slips, on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com has no concerns with proposed repair

APPROVE PERMIT:

Replace an three existing 6 ft x 84 ft 9 in seasonal docks with ten 2 ft x 16 ft fingers each, connected to concrete access ways by an 4 ft x 16 ft seasonal walkways providing a total of 60 slips, on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by DES on April 13, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-00506 AZOURY, GHARI
SEABROOK Tidal Buffer Zone

Requested Action:

Perform construction activities within 1,621 sq. ft. of previously developed upland tidal buffer zone for work associated with the construction of a permanent 2,703 sq. ft. open deck attached to an existing restaurant with all portions of the deck being more than 50 feet landward of the highest observable tide line.

Conservation Commission/Staff Comments:

No report or comments were received from the Seabrook Conservation Commission on this application.

Inspection Date: 02/27/2009 by Frank D Richardson

APPROVE PERMIT:

Perform construction activities within 1,621 sq. ft. of previously developed upland tidal buffer zone for work associated with the construction of a permanent 2,703 sq. ft. open deck attached to an existing restaurant with all portions of the deck being more than 50 feet landward of the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Mar. 05, 2009, as received by DES on March 20, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in the previously developed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has removed 2,700 square feet of pavement previously on site within the 100 foot tidal buffer zone to make the project proposed a more nearly conforming site with respect to the NH Comprehensive Shoreland Protection Act.

FORESTRY NOTIFICATION

2009-00103 CRANE, JONATHAN/SUSAN
LEBANON Unnamed Stream

2009-00788 CLARK, JAMES & ELAINE
MILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Milford Tax Map 56, Lot# 56, 57, 58-4

2009-00802 MCLEAN TRUST, PATRICIA
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Chester Tax Map 6, Lot# 12 & 12-1

2009-00821 **COMEAU, ROBERT & NANCY**
DALTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Dalton Tax Map 408, Lot# 70 & 71

2009-00822 **CYPHER, ROBERT**
HANCOCK **Unnamed Stream**

COMPLETE NOTIFICATION:
Hancock Tax Map R8, Lot# 55

2009-00823 **LAKEVILLE SHORES**
FITZWILLIAM **Unnamed Stream**

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 9, Lot# 25

2009-00824 **CHAMBERLAIN, CRAIG**
GILSUM **Unnamed Stream**

COMPLETE NOTIFICATION:
Gilsum Map Tax 406, Lot# 70.1

EXPEDITED MINIMUM

2008-01905 **WASHINGTON, TOWN OF**
WASHINGTON **Mill Pond & Beards Brook**

Requested Action:

Dredge and fill \pm 225 sq. ft. of wetlands and Beard's Brook bank for stormwater treatment improvements, dredge \pm 200 sq. ft. of accumulated sediment from Mill Pond and temporarily impact \pm 950 sq. ft. of wetlands for construction access.

APPROVE PERMIT:

Dredge and fill \pm 225 sq. ft. of wetlands and Beard's Brook bank for stormwater treatment improvements, dredge \pm 200 sq. ft. of accumulated sediment from Mill Pond and temporarily impact \pm 950 sq. ft. of wetlands for construction access.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC dated November 20, 2008, as received by the Department on April 10, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no

greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. Work shall be done during low flow conditions.
4. Mill Pond sediment removal shall be completed entirely in the dry.
5. This permit is contingent upon restoration of ± 950 sq. ft. of temporary wetland impact within 15 days following the completion of construction.
6. In the event cofferdams are required at the time of construction, a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. There shall be no excavation or operation of construction equipment in flowing water.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to the commencement of construction.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
24. The restoration area shall be regraded to original contours following completion of work.
25. Only native plant species appropriate to the area shall be planted.
26. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass .
27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
28. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
29. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
30. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

31. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
32. A post-construction report documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
33. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system (temporary impact and Beard's Brook) and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The proposed project is being funded by a DES Impaired Watershed Restoration Grant to improve stormwater treatment for a critically impaired watershed.
3. The Mill Pond sediment removal will be completed in the dry.
4. The Applicant's Agent has stated it's likely the current road runoff was redirected to Mill Pond by road construction and the natural flow path likely originally outletted to Beard's Brook.
5. The DES Shoreland Program issued approval for the proposed project, SHORELAND IMPACT PERMIT 2008-02087.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Approve reconsideration request to dredge and fill \pm 225 sq. ft. of wetlands and Beard's Brook bank for stormwater treatment improvements, dredge \pm 200 sq. ft. of accumulated sediment from Mill Pond and temporarily impact \pm 950 sq. ft. of wetlands for construction access.

APPROVE RECONSIDERATION:

Approve reconsideration request to dredge and fill \pm 225 sq. ft. of wetlands and Beard's Brook bank for stormwater treatment improvements, dredge \pm 200 sq. ft. of accumulated sediment from Mill Pond and temporarily impact \pm 950 sq. ft. of wetlands for construction access.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The reconsideration request was written to serve as response to the DES Wetlands Bureau October 10, 2008, Request for More Information letter.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.
4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject Minimum Impact Expedited Application was received September 15, 2008 and was determined to be administratively complete on September 15, 2008.
3. By letter dated October 10, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").

4. The department did not receive a complete response to the RFMI within the 60 days of the request per RSA 482-A:3, XIV(b).
5. Based on RSA 482-A:3, XIV(b) the department denied the application on March 12, 2009, because the issues raised in the RFMI were not addressed.
6. A request for reconsideration was received on April 10, 2009. The request for reconsideration provided response to the October 10, 2008, RFMI

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-01905.

2009-00171 PASKELL, JAMES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair the existing retaining walls, construct a 20 ft x 17 ft perched beach, replace the existing wooden stairs above full lake elevation with granite steps, repair the existing 58 ft wharf and 6 ft x 40 seasonal docking structure and decking in kind on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair the existing retaining walls, construct a 20 ft x 17 ft perched beach, replace the existing wooden stairs above full lake elevation with granite steps, repair the existing 58 ft wharf and 6 ft x 40 seasonal docking structure and decking in kind on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated May 26, 2008, as received by DES on April 06, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
12. The steps installed for access to the water shall be located completely landward of the normal high water line, elevation 504.32.
13. No more than 6 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

17. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

**2009-00332 KEENE DPW, CITY OF
KEENE Unnamed Wetland**

Requested Action:

Dredge and fill 2,000 square feet of palustrine forested wetlands for stormwater sewer replacement.

APPROVE PERMIT:

Dredge and fill 2,000 square feet of palustrine forested wetlands for stormwater sewer replacement.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated January 21, 2009, as received by the Department on February 26, 2009.
2. This permit is contingent upon the restoration of 2,000 square feet of wetlands in accordance with plans received February 26, 2009 and to the satisfaction of the DES Wetlands Bureau within 10 days of the completion of construction.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
8. All material removed during work activities shall be placed out of DES's jurisdiction.
9. Area of temporary impact shall be regraded to original contours following completion of work.
10. Any seed mix applied within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
11. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.
15. The permittee or a designee shall conduct a follow-up inspection after the first full growing season to document and review the success of the restoration area and schedule remedial actions if necessary. A report with photographs that outlines any of these follow-up measures and a schedule for completing the remedial work shall be submitted by October 15 of that year.
16. The permittee shall notify DES in writing of the completion of construction within fifteen (15) days following complete.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.

2. The main reason for the proposed sewer improvements is an Administrative Order issued by the Environmental Protection Agency.
3. Written permission was obtained from the owners of tax map/lot no.'s 2/3-24 and 2/3-15 for work on their property.
4. In correspondence dated March 23, 2009, the Ashuelot River Local Advisory Committee (ARLAC) commented that the understand this is the only reasonable alternative and that contractors should be aware of the possibility of wood turtles in the project areas and construction staff should be observant of wood turtles and take appropriate action to protect them. The ARLAC also stated that they expect the wetlands are restored.
5. In comments dated January 20, 2009, the NHFG Nongame and Endangered Species Program stated based on the projects location they do not expect impacts to the dwarf wedge mussel; and given work will not occur on gravel lots or roof tops covered in small stone, impacts to the common night hawk are not expected; and given catch basins are not proposed in the wetland areas, unnecessary mortality to wood turtles or other reptile or amphibian species is not expected.
6. The Keene Conservation Commission signed the application.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00349 DAVIDSON REVOC TRUST, PHIL
MEREDITH Lake Winnepesaukee

Requested Action:

Construct a 806 sq ft perched beach and replace one three pile ice cluster and one tie off pile adjacent to two existing 6 ft x 30 ft piling supported docks on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 806 sq ft perched beach and replace one three pile ice cluster and one tie off pile adjacent to two existing 6 ft x 30 ft piling supported docks on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Terry Graham, as received by DES on March 02, 2009 and cross section plan as received by DES on April 07, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.

12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a perched beach.

2009-00507 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
JACKSON Meserve Brook

Requested Action:

Fill approximately 4,500 square feet within the bed and banks of Meserve Brook along 4,000 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat and channel stability, to accomplish USDA Forest Service resource objectives established in the White Mountain National Forest Plan.

APPROVE PERMIT:

Fill approximately 4,500 square feet within the bed and banks of Meserve Brook along 4,000 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat and channel stability, to accomplish USDA Forest Service resource objectives established in the White Mountain National Forest Plan.

With Conditions:

1. All work shall be in accordance with plans by USDA Forest Service, as received by DES on March 25, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow conditions.
4. Tree placement locations within Meserve Brook shall be determined in consultation with USDA Forest Service's Fishery Biologists.
5. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposed to restore degraded aquatic resources.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00588 BAE SYSTEMS INFORMATION & ELECTRICAL SYSTEM INT IN
LITCHFIELD Unnamed Stream

Requested Action:

Dredge and fill 100 square feet of palustrine forested wetland to replace an existing, failed culvert of unknown size and replace with an 18-inch by 20-foot culvert to restore natural drainage and allow access to the wooded portion of the property and allow for access

to the security fence along the property line for maintenance purposes.

Conservation Commission/Staff Comments:

The Litchfield Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 100 square feet of palustrine forested wetland to replace an existing, failed culvert of unknown size and replace with an 18-inch by 20-foot culvert to restore natural drainage and allow access to the wooded portion of the property and allow for access to the security fence along the property line for maintenance purposes.

With Conditions:

1. All work shall be in accordance with the Culvert Replacement Plan (Sheet 2 of 2) by Meridian Land Services dated March 26, 2009, as received by DES on April 8, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require approval by the Bureau.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00592 PINE TRAIL CONDOMINIUMS, RICHARD THORNTON
LACONIA Lake Winnepesaukee

Requested Action:

Replace two, 3 pile ice clusters and 8 dock support piles on an 11 ft x 59 ft permanent pier connected to a 27 ft 4 in x 32 ft 6 in permanent pier on an average of 495 ft of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com did not sign Exp App, but submitted a letter stating they had no concerns with proposed repair

APPROVE PERMIT:

Replace two, 3 pile ice clusters and 8 dock support piles on an 11 ft x 59 ft permanent pier connected to a 27 ft 4 in x 32 ft 6 in permanent pier on an average of 495 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 26, 2009, as received by DES on April 08, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-00664 OUELETTE, SHARON
WAKEFIELD Pine River Pond

Requested Action:

Reface an existing 30 linear feet of retaining wall on Pine River Pond, Wakefield.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on April 14, 2009

APPROVE PERMIT:

Reface an existing 30 linear feet of retaining wall on Pine River Pond, Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated March 12, 2009, as received by DES on April 15, 2009.
2. Repair shall maintain existing size, location and configuration.
3. Work shall be done during drawdown.
4. The wall shall not be refaced more than 6 inches lakeward from the existing wall.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration. If a wall is to be refaced such additional width shall not exceed 6 inches.

2009-00665 DOMBROWSKI, JAMES
SUTTON Unnamed Wetland

Requested Action:

Dredge and fill 75 sq. ft. of intermittent stream along Mastin Rd. to install an 18-inch x 20-foot culvert for gravel road access to a proposed telecommunications monopole, equipment shelter and fenced equipment compound.

APPROVE PERMIT:

Dredge and fill 75 sq. ft. of intermittent stream along Mastin Rd. to install an 18-inch x 20-foot culvert for gravel road access to a proposed telecommunications monopole, equipment shelter and fenced equipment compound.

With Conditions:

1. All work shall be in accordance with plans by Infinigy Engineering & Surveying dated October 13, 2008, as received by the Department on April 16, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The site location for the telecommunications pole was limited by fall zone radius requirements, Landlord Lease Agreements, local zoning setbacks and planning board requirements.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, and the Sutton Conservation Commission signed the application.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2009-00803 BOURN, ALEX
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-00804 BOURN, ANDREW
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-00805 BILDEAU, RICHARD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-00825 BAILLARGEON, ROLAND
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

TRAILS NOTIFICATION

2009-00790 BURRILL JR, GUY H.
MONROE Unnamed Stream

COMPLETE NOTIFICATION:
Monroe TAx Map U2, Lot# 8

LAKES-SEASONAL DOCK NOTIF

2009-00760 FRANKLIN, DONALD & LOUISE
HEBRON Newfound Lake

COMPLETE NOTIFICATION:
Hebron Tax Map 7, Lot# 38

2009-00761 ROBERGE, JOHN & PAULA
BARRINGTON Swains Pond

COMPLETE NOTIFICATION:
Barrington Tax Map 117, Lot# 51

2009-00762 FENNER, DANA
ENFIELD Crystal Lake

COMPLETE NOTIFICATION:

Enfield Tax Map 48, Lot# 9

2009-00806 KORTZ, KIM
MEREDITH Lake Wicwas

COMPLETE NOTIFICATION:

Meredith Tax Map R10, Lot# 21

2009-00807 GREEN, MICHAEL
WEARE Horace Lake

Conservation Commission/Staff Comments:

Copy of the state lease agreement included

COMPLETE NOTIFICATION:

Weare Tax Map 101, Lot# 110 Horace Lake

2009-00808 HENDRY, CHARLENE
GILFORD Lake Winnepesaukee

COMPLETE NOTIFICATION:

Gilford Tax Map 222, Lot# 43

ROADWAY MAINTENANCE NOTIF

2009-00844 NH DEPT OF TRANSPORTATION
CENTER HARBOR Drainage Ditch

2009-00845 NH DEPARTMENT OF TRANSPORTATION
LEMPSTER Unnamed Stream

2009-00846 NH DEPARTMENT OF TRANSPORTATION
PIERMONT Unnamed Stream

**2009-00847 NH DEPARTMENT OF TRANSPORTATION
UNITY Unnamed Stream**

CSPA PERMIT

**2008-02232 TONDEL, LAWRENCE
CENTER BARNSTEAD Upper Suncook Lake**

Requested Action:

Applicant requests an amendment to permit 2008-02232 for the purposes of removing additional portions of an existing driveway.

APPROVE AMENDMENT:

Amendment to read: Impact 4,467 sq ft to remove an existing 875 sq ft non-conforming cottage, restore 1,200 sq ft of driveway and construct a conforming 1,572 sq ft single family dwelling with a deck and new turn-around.

With Conditions:

1. All work shall be in accordance with plans as received by the Department of Environmental Services ("DES") on April 27, 2009.
2. This permit shall not be effective unless the lots identified as Barnstead tax map 34, lots 27 and 27-1 are merged.
3. No more than 10.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,629 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2009-00624 LIAN, PAUL
GILFORD Lake Winnepesaukee**

Requested Action:

Impact 7250 sq ft for the purpose of constructing a single family-dwelling and a driveway.

APPROVE PERMIT:

Impact 7250 sq ft for the purpose of constructing a single family-dwelling and a driveway.

With Conditions:

1. All work shall be in accordance with plans by Donald Pangburn revised January 1, 2009 and received by the Department of Environmental Services ("DES") on April 10, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 18.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 4,994 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1853 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00717 PIPER POND CAMP LLC
WILMOT Piper P0nd

Requested Action:

Impact 30,830 sq ft for the purpose of constructing a 2 bedroom addition, a garage, a porch, walkways, 2 dry wells, and 2 catch basins onto an existing single family dwelling, regrading an existing driveway, and installing a state approved septic system.

APPROVE PERMIT:

Impact 30,830 sq ft for the purpose of constructing a 2 bedroom addition, a garage, a porch, walkways, 2 dry wells, and 2 catch basins onto an existing single family dwelling, regrading an existing driveway, and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Bristol, Sweet, and Associates Inc. dated March 30, 2009 and received by the Department of Environmental Services ("DES") on April 24, 2009.
2. This permit is contingent on a lot merger of Lots 5-5 and 5-4 of Wilmot Tax Map 2 and proposed in plans by Bristol, Sweet, and Associates Inc. dated March 30, 2009 and received by DES on April 24, 2009.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Silt fencing must be removed once the area is stabilized.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No more than 6.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
12. The project as proposed will leave approximately 55,169 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 55,136 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.